

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
LAS VEGAS DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) 2:23-CR-00126-RFB-NJK-1
)
)
JEREMY LEE HUTH)

**MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT'S
SUPPLEMENTAL BRIEF
(First Request)**

Ms. JEREMY LEE HUTH, pursuant to District of Nevada Local Rule 1A 6-1, respectfully requests an extension of time to file Defendant's Supplemental Brief for a period of one week.

I. Procedural History

On January 27, 2020, Mr. Huth was arrested on local charges following the commission of the instant offense. (PSR ¶ 6.) Specifically, on that day deputies with United States Marshals Service (USMS) surveilled Mr. Huth, who had an outstanding warrant from Washington State and Mr. Huth was arrested and transported to the hospital for medical treatment following incidents which occurred during arrest. (PSR ¶¶ 10-12.)

The Government filed a federal Criminal Complaint on April 1, 2020 in this Court, charging Mr. Huth with Assault on a Federal Officer or Employee

with a Dangerous or Deadly Weapon, in violation of 18 U.S.C. §§ 111(a)(1) and (b), which occurred on or about January 27, 2020. (Compl., ECF No. 1.)

This Court issued a Writ of Habeas Corpus *ad Prosequendum* on September 8, 2023. (PSR ¶ 6.) Mr. Huth was transferred into the custody of United States Marshals Service on October 27, 2023. (PSR, para. 6.)

On November 28, 2023, the Government filed a a one-count Information was filed against Mr. Huth, charging him with Assault on a Federal Officer or Employee with Intent to Commit Another Felony, in violation of 18 U.S.C. § 111(a)(1). (Crim. Inf., ECF No. 31.) On the same day, Mr. Huth entered into a Plea Agreement (ECF No. 32), pleading guilty to Count One of the Information pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). It is important to note that, in the Plea Agreement, the parties “request that the sentence run concurrently with the defendant’s [] state court cases in Snohomish County Superior Court in the State of Washington.” (Plea Agrmt., ECF No. 32 at 10.) This Court accepted his guilty plea, and ordered him detained. (Mins. ECF No. 33.)

During the sentencing hearing on March 1, 2024, the parties requested that the terms of the Rule 11(c)(1)(C) agreement be honored, however, the Court had concerns regarding the date that it was authorized to order concurrent time and ordered that Mr. Huth file a supplemental brief on March 13, 2024, that the Government respond by March 27, 2024, and that Mr. Huth

reply by April 3, 2024. (Mins., ECF No. 41.) The Court further reset sentencing for April 9, 2024. (*Id.*)

II. Factual Assertions

The parties in this case, specifically chief counsel for the Government and undersigned counsel have been in very close communication throughout this process and are currently actively discussing the best course of action moving forward. The parties are assessing the possibilities to determine what if best, both legally and procedurally, to achieve the objectives that the negotiated plea, which were the purpose contemplated when initially drafted and signed.

The Government is conducting additional research based on research presented by undersigned counsel. The parties continue to discuss the best course forward. In order to fully address the matter, the parties need to determine which mechanisms are legally and procedurally permissible. The parties anticipate filing a joint stipulation which will not require a response or litigation and is therefore a granting of this continuance *is* in the interest of judicial efficiency.

III. Memorandum of Law and Argument

District of Nevada Local Rule 1A 6-1 states, in its pertinent part, “[a] motion or stipulation to extend time must state the reasons for the extension

requested and must inform the court of all previous extensions of the subject deadline the court granted...." D. Nev. L. R. IA 6-1(a).

Mr. Huth respectfully submits that the instant request is not made for dilatory delay, but for the genuine purpose of judicial efficiency whereby the parties can come to terms in a joint stipulation to present to the Court, thereby rendering further litigation unnecessary. This is the first request of this kind and the parties further believe that no continuance in the sentencing hearing will be necessary or requested.

IV. Opposing Party's Position

The Government does not oppose this request and is specifically *working with* undersigned counsel in anticipation of filing a joint stipulation.

V. Conclusion

Based on the foregoing reasons and authority, Mr. Huth respectfully requests relief from this Court to extend the deadline to file Defendant's Supplemental Brief for a period of one(1) week so that the parties may jointly file a stipulation.

IT IS ORDERED the Motion is due on or before March 22, 2024 with Responses due March 29, 2024 and Reply due April 3, 2024. If an agreement is reached, the Stipulation must be filed by March 29, 2024.

Dated this the 18th of March, 2024.

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

Date: March 13, 2024

Respectfully submitted,

s/Murdoch Walker, II.
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2024, I electronically filed the foregoing MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT'S SUPPLEMENTAL BRIEF with the Clerk of the United States District Court for the District of Nevada by way of the CM/ECF system, which automatically will serve this document on the attorneys of record for the parties in this case by electronic mail.

Date: March 13, 2024

Respectfully submitted,

s/Murdoch Walker, II.
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